

REMARKS**Docket No. 1004**

Favorable consideration of the present application, as amended, is respectfully solicited.

Claims 1-9 and 11, as amended, are the same as these claims, as amended, in parent application Serial No. 10/020,830 but not allowed. Claims 10, 12, 13 and 14 are the same as these original claims of parent application Serial No. 10/020,830 but not allowed.

Claims 15-22 have been added by the present amendment.

Claim 15 is dependent on claim 2 and adds thereto the subject matter of claim 3.

Claim 16 is dependent on claim 15 and adds thereto the subject matter of claim 5.

Claim 17 is dependent on claim 1 and adds thereto the mid ranges of the various components.

Claim 18 is dependent on claim 1 and adds thereto the preferred ranges of the various components.

Claim 19 is dependent on claim 8 and adds thereto the subject matter of claim 9.

Claim 20 is dependent on claim 19 and adds thereto the subject matter of claim 5.

Claim 21 is dependent on claim 7 and adds thereto the mid ranges of the various components.

Claim 22 is dependent on claim 7 and adds thereto the preferred ranges of the various components.

Claims 23-27 have been added and correspond to claims 15-19, respectively, of parent application Serial No. 10/020,830 but which were canceled therein.

It is submitted that all the claims of record are patentable over the Cohen patent 5,736,473 for reasons stated in parent application Serial No. 10/020,830. In this respect, it is respectfully submitted that claims 1-22 define patentably over Cohen. All of these claims are directed to or include a liquid water absorbing mixture of a wax containing a superabsorbent and a channeling agent. The wax prevents **water vapor** from contacting the superabsorbent, as set forth in applicant's specification on page 2, lines 24-26, but the wax contains a channeling agent which conducts **liquid water** to the superabsorbent when the wax is exposed to liquid water (specification page 2, lines 26-29). The Cohen patent does not have a liquid water absorbing mixture of a wax containing a superabsorbent and a channeling agent. It is directed to a fibrous composite structure. In the rejection in parent application Serial No. 10/020,830 the Examiner stated of the Cohen patent "Waxes are also included in the matrix (col 3, in 49)." However, in column 3, lines 49 et seq. of Cohen it is specifically stated "As used herein, the term 'consisting essentially of' does not exclude the presence of additional materials which do not significantly affect the desired characteristics of a given composition or product. Exemplary materials of this sort would include, without limitation ... waxes ..." Thus, the wax of the Cohen

product is something which is a minor incidental addition to the fibrous composite; it is not a major component which contains the superabsorbent and a channeling agent, as now being claimed. It is therefore submitted that claims 1-22 are not anticipated by or obvious in view of Cohen.

It is submitted that claims 23-27 define patentably over Cohen. Claim 23 is directed to a liquid water absorbing mixture containing a superabsorbent encapsulated in a wax having a channeling agent therein. Claim 24 is directed to a liquid water absorbing mixture comprising a liquid water absorbing compound encapsulated in a wax having a channeling agent therein. Claim 25 is directed to a liquid water absorbing product comprising a porous member containing a superabsorbent encapsulated in a wax having a channeling agent therein. Claim 26 is directed to a liquid water absorbing product comprising a porous member containing a liquid water absorbing compound encapsulated in a wax having a channeling agent therein. The basis for the "liquid water absorbing compound" of claims 24 and 26 is in the first paragraph on page 4 of the specification. Also, claims 24 and 26 specifically recite that the liquid water absorbent compound is encapsulated in a wax. This teaching is absent from Cohen wherein the mentioned wax is an incidental item which does not significantly affect the desired characteristics of the Cohen product, as essentially set forth in column 3, lines 45 et seq. of the Cohen patent. Claim 27 presents applicants' mixture in "means plus function" format, and it

is submitted that Cohen does not teach the functions of applicants' components. It is therefore submitted that claims 23-27 are not anticipated by or obvious in view of Cohen.

Accordingly, favorable consideration and allowance of claims 1-27 are respectfully solicited.

Respectfully submitted,

LOUIS PATRONE ET AL

JOSEPH P. GASTEL

By



Attorney for Applicants
Registration No. 17,796
(716) 854-6284
FAX (716) 854-7688

Buffalo, New York 14203

February 17, 2004

JPG/rk

PA-1004.Amd